

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JESSE J. FRANKLIN,

Petitioner,

v.

Case No. 02-C-0677

WISCONSIN DEPARTMENT OF CORRECTIONS,

Respondent.

ORDER ON THE REQUEST FOR A CERTIFICATE OF APPEALABILITY

On March 30, 2006, the court denied Jesse J. Franklin's ("Franklin") petition for a writ of habeas corpus. On April 26, 2006 Franklin filed a Notice of Appeal.

Before he may proceed on appeal, the petitioner must receive a Certificate of Appealability ("COA"). § 2253; Fed. R. App. P. 22(b). To obtain a COA, the petitioner must make "a substantial showing of the denial of a constitutional right." § 2253(c)(2). Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Here, because Franklin only submitted a notice of appeal and not a COA, he has not made any attempt to demonstrate that reasonable jurists would find the court's assessment of the constitutional claims either debatable or wrong. Consequently, the court will give Franklin an opportunity to file an "amended" COA request, which attempts to satisfy the standard set forth in § 2253(c)(2) and Slack.

IT IS THEREFORE ORDERED that Franklin shall file an “amended” COA request no later than **July 26, 2006**. If Franklin does not submit his amended request by that date, his COA request will be denied.

Dated at Milwaukee, Wisconsin, this 26th day of June, 2006.

s/AARON E. GOODSTEIN
United States Magistrate Judge